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12
13 UNITED STATES DISTRICT COURT
14 FOR NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 JOSE FELIPE RUIZ; CARLOS AGUILAR
17 RIVAS; MARCELINO HERNANDEZ;
ALEJANDRO AGUILAR; RAMIRO
18 HERNANDEZ PARRA; SALOMON GOMEZ;
MAURO HERNANDEZ; HERIBERTO
19 PAMAZ-LUCAS; ANTONIO HERNANDEZ;
ANTONIO GONZALES; and ALEJANDRO
GONZALES,

20 Plaintiffs,

21 vs.

22 ARMANDO VARGAS; JAVIER VARGAS;
NOE VARGAS; EDITH R. SAUNO;

23 Defendants.

24 And Related Cross-Action
25

Case No.: 08-CV-01804PVT

**STIPULATION AND [XXXXXXXXXXXXXXXXXXXX]
ORDER TO DISMISS DEFENDANTS NOE
VARGAS AND JAVIER VARGAS WITH
PREJUDICE**

1 Plaintiffs JOSE FELIPE RUIZ, CARLOS AGUILAR RIVAS, MARCELINO
 2 HERNANDEZ, ALEJANDRO AGUILAR, RAMIRO HERNANDEZ PARRA, SALOMON
 3 GOMEZ, MAURO HERNANDEZ, HERIBERTO PAMAZ-LUCAS, ANTONIO
 4 HERNANDEZ, ANTONIO GONZALES, and ALEJANDRO GONZALES and Defendants
 5 JAVIER VARGAS and NOE VARGAS through Counsel hereby stipulate as follows:

6 1. The above-mentioned parties settled their disputes at a Mandatory Settlement
 7 Conference on June 11, 2010 before the Honorable Howard Lloyd. The Plaintiffs and
 8 Defendants Noe Vargas, Javier Vargas and Edith Sauno were present at this Mandatory
 9 Settlement Conference. However, Defendant Armando Vargas was not present and did not
 10 participate in the Mandatory Settlement Conference in light of his filing for bankruptcy
 11 protection and the subsequent statutory stay.

12 2. At the Mandatory Settlement Conference, the Plaintiffs and Defendants Noe
 13 Vargas and Javier Vargas reached a settlement among themselves, and that settlement includes
 14 Plaintiffs dismissing their Second Amended Complaint with prejudice against Defendants Noe
 15 Vargas and Javier Vargas.

16 3.. Consequently, IT IS HEREBY STIPULATED, by and between the above-named
 17 parties only that the claims and causes of action asserted by Plaintiffs in their Second Amended
 18 Complaint against Defendants JAVIER VARGAS and NOE VARGAS in the above-captioned
 19 action be and hereby are dismissed with prejudice pursuant to FRCP 41(a)(2).

20 **FOR PLAINTIFFS**

21 DATED: 7/6/2010

22 **DAL BON & MARGAIN**

23 By: //s// Tomas E. Margain
 24 **Tomas E. Margain**

25 **FOR DEFENDANTS**
JAVIER VARGAS;
NOE VARGAS

DATED: 7/6/2010

FISHMAN, LARSEN, GOLDRING
& ZEITLER

By: //s// Travis R. Stokes
Travis R. Stokes

ORDER

Pursuant to the above-Stipulation between the above-named parties and for good cause shown, all claims and causes of action asserted by Plaintiffs against Defendants JAVIER VARGAS and NOE VARGAS are hereby dismissed with prejudice.

IT IS SO ORDERED that the Second Amended Complaint be dismissed with prejudice against Defendants Javier Vargas and Noe Vargas.

DATED: July 12, 2010



Hon. Patricia V. Trumbull
UNITED STATES MAGISTRATE JUDGE